

**ABU ALI ABDUR'RAHMAN, ET AL. vs. TONY PARKER, ET AL.**  
**Tony Mays on 06/04/2018**

IN THE CHANCERY COURT  
FOR DAVIDSON COUNTY, TENNESSEE

ABU ALI ABDUR'RAHMAN, )  
et al, )  
 )  
Plaintiffs, )  
 )  
vs. ) NO. 18-183-II(III)  
 )  
TONY PARKER, et al, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Deposition of:

TONY MAYS

Taken on behalf of the Plaintiffs

June 4, 2018

\_\_\_\_\_  
VOWELL, JENNINGS & HUSEBY  
Court Reporting Services  
207 Washington Square Building  
214 Second Avenue North  
Nashville, Tennessee 37201  
(615) 256-1935

1 exact date. I'm asking if you can recall the  
2 month that you inventoried them.

3 A. I can't recall.

4 Q. Do you know if there are any lethal  
5 injection chemicals in the custody of TDOC  
6 right now anywhere other than Riverbend  
7 prison?

8 A. I would not know that.

9 Q. Without naming names, do you know if  
10 there is a person who would know that?

11 A. I don't.

12 Q. You indicated that you believe some of  
13 the chemicals that you have on hand at  
14 Riverbend would expire before August 8th.

15 Do you have a source or do you know if  
16 TDOC has a source from which to obtain more  
17 chemicals?

18 A. I wouldn't know that.

19 Q. Without naming names, do you know of a  
20 person in TDOC who would know that?

21 A. I don't know that.

22 Q. I'd like you, please, Warden Mays, to  
23 turn to Page 35 in the manual.

24 The top of that page reads Protocol A:  
25 Procurement, Storage, Accountability, and

1 Q. Okay. Thank you. Are you familiar  
2 with the phrase "paradoxical effect" in  
3 regards to Midazolam?

4 A. No.

5 Q. Have you or any of the TDOC employees  
6 who were on the execution team been trained  
7 to recognize signs of a paradoxical effect  
8 from Midazolam?

9 MR. SUTHERLAND: Asked and  
10 answered. He said he's not familiar.

11 MR. DEL PINO: Doesn't mean he  
12 hasn't been trained in what to do about it.

13 THE WITNESS: In regards to me,  
14 no. I can't speak in regard to anyone else.

15 BY MR. DEL PINO:

16 Q. Are there any safeguards in place to  
17 deal with paradoxical effect as a result of  
18 Midazolam?

19 A. Not that I'm aware of.

20 Q. If an inmate became agitated instead  
21 of sedate after being injected with  
22 Midazolam, does the protocol instruct you  
23 what to do?

24 A. Define that.

25 Q. Hyperactive, anxious.

1 A. I continue to follow with the protocol  
2 procedures.

3 Q. I would like to show you, Warden,  
4 Mays, what is Exhibit B to the plaintiffs'  
5 amended complaint and ask you to please take  
6 a look at this and read it. Let me know if  
7 you've ever seen it before.

8 A. Okay.

9 Q. Have you ever seen this email before?

10 A. Yes.

11 Q. When did you see this email?

12 A. Counsel showed it to me.

13 Q. And when was that?

14 A. Probably about a week ago.

15 Q. Was that the first time you ever saw  
16 this email?

17 A. First time.

18 Q. The subject of this email or what is  
19 discussed in this email is Midazolam not  
20 preventing an inmate from feeling pain from  
21 the second and third drugs in lethal  
22 injection Protocol B.

23 Has anyone ever discussed that with  
24 you? And please don't name names. It's yes  
25 or no.